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### Remarks

The Office Action mailed December 5, 2003 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-20 are now pending in this application. Claims 1-20 stand rejected. Claims 1, 2, 5, 6, 9, 10, 12, 14, and 17-20 have been amended. It is respectfully submitted that the presently pending claims recite allowable subject matter.

The specification has been amended to correct clerical errors.

The provisional rejection of Claims 1-20 under the judicially created doctrine of obviousness-type double patenting over claims 1-18 of copending Application No. 09/742,529 is respectfully traversed.

Claim 1 recites a fine filter assembly for a dishwasher, the fine filter assembly including "a filter body comprising an inlet and an outlet, said inlet located substantially adjacent said outlet, said outlet comprising a drain tube coupled to a drain line, said drain line including a fluid column generating a pressure to counterbalance an operating pressure in said fine filter assembly".

None of the claims in the copending application recite a fine filter assembly wherein a filter body includes an outlet that includes a drain tube coupled to a drain line, and wherein the drain line has a fluid column that generates a pressure to counterbalance an operating pressure in the fine filter assembly.

For the reasons set forth above, Claim 1 is submitted to be patentably distinct over claims 1-18 of the copending application.

Claims 2-8 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-8 are considered in combination with the recitations of Claim 1,

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Applicants submit that dependent Claims 2-8 are likewise patentably distinct over claims 1-18 of the copending application.

Claim 9 recites a fluid circulation assembly for a dishwasher system, the fluid circulation assembly including "a main pump assembly; a drain pump assembly in flow communication with said main pump assembly; a fine filter assembly in flow communication with said main pump assembly and with said drain pump assembly, said fine filter assembly comprising a filter body comprising an inlet and an outlet, said outlet comprising a drain tube, said inlet and said outlet located substantially adjacent one another and proximate an outer perimeter of said filter body; and a check valve in flow communication with said drain tube to regulate flow therethrough".

None of the claims in the copending application recite a fluid circulation assembly that includes a filter body wherein an outlet includes a drain tube. Moreover, none of the claims in the copending application recite a fluid circulation assembly that includes a check valve in flow communication with a drain tube to regulate flow through the drain tube.

For the reasons set forth above, Claim 9 is submitted to be patentably distinct over claims 1-18 of the copending application.

Claims 10-16 depend, directly or indirectly, from independent Claim 9. When the recitations of Claims 10-16 are considered in combination with the recitations of Claim 9, Applicants submit that dependent Claims 10-16 are likewise patentably distinct over claims 1-18 of the copending application.

Claim 17 recites a dishwasher system including "a tub comprising a sump portion; a fluid circulation assembly in flow communication with said sump portion, said fluid circulation assembly including a fine filter assembly, said fine filter assembly comprising a filter body comprising an inlet and an outlet, said inlet and said outlet located substantially adjacent one another and proximate an outer perimeter of said filter body; and a pressure relief tube in flow

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communication with said fine filter assembly to inhibit a pressure within said fine filter assembly from exceeding a predetermined pressure”.

None of the claims in the copending application recite a dishwasher that includes a fine filter assembly in combination with a pressure relief tube in flow communication with the fine filter assembly to inhibit a pressure within the fine filter assembly from exceeding a predetermined pressure.

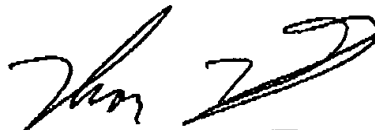
Claim 17 is therefore submitted to be patentable over claims 1-18 of the copending application.

Claims 18-20 depend, directly or indirectly, from independent Claim 17. When the recitations of Claims 18-20 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claims 18-20 likewise are patentable over claims 1-18 of the copending application.

For the reasons set forth above, Applicants respectfully request that the provisional obviousness-type double patenting rejection of Claims 1-20 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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